

II. Remarks

In his response dated April 12, 2004 applicant responded to the examiner's restriction requirement and elected Group I, claims 35-53. The examiner further noted that group 1 included two species that are not so linked so as to form a single general concept between group 1A and group 1B and required applicant to elect one of the two species identified by the examiner.

Applicant now elects Group 1A with traverse, incorporating claims 35-42 and 48-53.

Applicant reiterates its traverse of the restriction and election requirement. With regard to the election requirement between group 1A and 1B applicant brings to the attention of the examiner the fact that group 1A includes claims directed to the use of "indicia" [claim 35] as well as to use of "numbers" [claim 36]. Claim 35 requires the player to enter a "selection of a series of indicia"; claim 36 requires the player to enter a selection of a series of indicia "where the inidica are numbers". And of course it is clearly understood that a "number" is a form of "indicia" and thus number and indicia are related as species and genus.

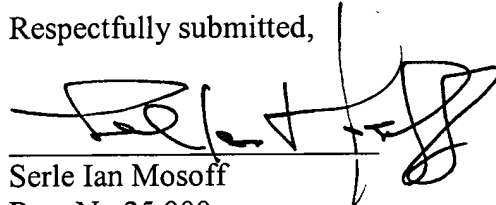
Turning next to claim 43 [in group 1B], pursuant to the claim the player enters a "selection of a series of numbers". Thus, group 1B claims also expressly require a selection. An examination of claim 36, relegated by the examiner to group 1A and claim 43, relegated by the examiner to 1B, illustrates that both claims require that the player enters a "selection of a series of numbers". This highlights the single general concept between group 1A and group 1B and is directly contrary to the examiner's rationale for requiring election between group 1A and 1B.

For this reason applicant again requests that the examiner withdraw the requirement for

election between group 1A and 1B.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Serle Ian Mosoff', written over a horizontal line.

Serle Ian Mosoff
Reg. No.25,900

CUSTOMER NUMBER 026304

KATTEN MUCHIN ZAVIS ROSENMAN
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8717

Docket No.: 031035-00060 [2703/FBR]